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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Kladders, H. et al) Art Unit: 3743
U.S. Appln. No. : 10/757,346) Examiner:
Confirmation No. : 3492
U.S. Filing Date : 01/14/2004
Title of Invention : Powder Inhaler
Attny. Docket No. : 1/1447

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

July 7, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A and B) with copies of all references cited therein. This is being submitted pursuant to 37 C.F.R. §1.56 and before the mailing of a first Office Action on the merits, pursuant to 37 CFR § 1.97(b).

It should be noted that the references listed in the Information Disclosure Statement have been cited in the International Search Report (ISR) for PCT/EP 03/14692, which corresponds to the present US application. A copy of that ISR is enclosed herewith.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).


☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,



Andrea D. Small
Attorney for Applicant(s)
Reg. No. 54,859

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road, P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 798-4816

Certificate of Mailing

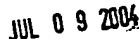
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

on July 7, 2004.



Andrea D. Small, Reg. No. 54,859



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Substitute for form 1449A/PTO

(Use as many sheets as necessary)

Sheet

1

of

2

Attorney Docket Number

11447

Complete if Known

Application Number	10/757.346
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Filing Date	01/14/2004
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First Named Inventor	Heinrich KLADDERS
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Art Unit	3743
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Examiner Name _____

Attorney Docket Number	1/1447
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U. S. PATENT DOCUMENTS

CB
DB

FOREIGN PATENT DOCUMENTS

AP

**Examiner
Signature**

Date
Considered

11/07/06

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/08b (08-03)
Approved for use through 06/30/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/757,346		
		Filing Date	01/14/2004		
		First Named Inventor	Heinrich KLADDERS		
		Art Unit	3743		
		Examiner Name			
Sheet	2	of	2	Attorney Docket Number	1/1447

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
AB		Abstract DE 100 29 694	

Examiner Signature	<i>Andrew Bunin</i>	Date Considered	1/07/06
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Kladders, H. et al) Art Unit:
U.S. Appln. No. : To Be Accorded) Examiner:
Confirmation No. : To Be Accorded
U.S. Filing Date : 01/14/2004
Title of Invention : Powder inhaler
Attny. Docket No.: 1/1447

Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

January 14, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, with copies of all non-US patents, except DE3274065 (equivalent US 4,524,769 listed), and publications, as more specifically described hereinbelow.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

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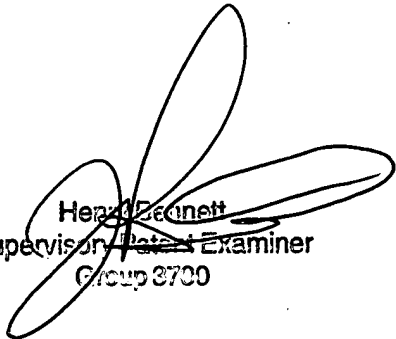
Triplicate copies of this form are enclosed.

Respectfully submitted,

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Patent Department
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Date: January 14, 2004


Heidi Bennett
Supervisory Patent Examiner
Group 3700

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

4

Complete if Known

Application Number	To Be Assigned
Filing Date	01/14/2004
First Named Inventor	Heinrich KLADDERS
Art Unit	
Examiner Name	
Attorney Docket Number	1/1447

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AB		US- 4,524,769	06/25/1985	Wetterlin, K. I. L.	XR:DE3274065
		US- 4,069,819	01/24/1978	Valentini, L. et al	
		US- 4,627,432	12/09/1986	Newell, R. E. et al	
		US- 4,778,054	10/18/1988	Newell, R. E. et al	
		US- 6,378,519	04/30/2002	Davies, M. B. et al	
		US- 5,590,645	01/07/1997	Davies, M. B. et al	
		US- 5,860,419	01/19/1999	Davies, M. B. et al	
		US- 5,873,360	02/23/1999	Davies, M. B. et al	
		US- 6,032,666	03/07/2000	Davies, M. B. et al	
		US- 2002/0053344 A1	05/09/2002	Davies, M. B. et al	
		US- 2002/0066451 A1	06/06/2002	Davies, M. B. et al	
AB		US- 4,524,769	06/25/1985	Wetterlin, K. I. L.	
		US-			
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		US-			
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		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
AB		WO 91/02558 A1	03/07/1991	BI Int'l GmbH, et al		
		EP 1 100 474 B1	07/17/2002	BI Pharma KG		
		DE 33 45 722 A1	06/27/1985	BI KG		
		DE 33 48 370 C2	10/11/2001	Glaxo Group Ltd.		
AB		DE 33 36 486 A1	04/26/1984	Glaxo Group Ltd.		

Examiner Signature	Andrew Basian	Date Considered	1/07/06
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 4



Complete if Known

Application Number	To Be Assigned
Filing Date	01/14/2004
First Named Inventor	Heinrich KLADDERS
Art Unit	
Examiner Name	
Attorney Docket Number	1/1447

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
 		EP 0 911 047	04/28/1999	BI Pharma KG		
		DE 20114878	05/02/2002	Spaeth, B.		
		DE 4106379	09/05/1991	Glaxo Group Ltd.		
		DE 3274065	Corresponding US 4,524,769 provided above.			
		WO 93/18811 A1 (EP633972)	09/30/1993	Barthlott, W.		

Examiner Signature	<i>Andrew Bennis</i>	Date Considered	1/07/06
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	3	of	4
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Complete if Known

Application Number	To Be Assigned
Filing Date	01/14/2004
First Named Inventor	Heinrich KLADDERS
Art Unit	
Examiner Name	
Attorney Docket Number	1/1447

U. S. PATENT DOCUMENTS

[illegible]

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
AB AR		WO 96/04123 A1 (EP 772 514)	0w2/15/1996	Barthlott, W.		
		FR 2.146.202	03/02/1973	ISF SPA		

Examiner Signature	<i>Andrew Bini</i>	Date Considered	1/07/06
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		Filing Date	01/14/2004		
		First Named Inventor	Heinrich KLADDERS		
		Art Unit			
		Examiner Name			
Sheet	4	of	4	Attorney Docket Number	1/1447

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
AB		Abstract DE 3 345 722: WPIDS 1985-160068	
		Abstract DE 19835346: CA 132:141964	
		Abstract DE 4318455: WPIDS 1995-014986	
		Abstract DE 3927170: WPIDS 1991-058894	
		Abstract FR 2,146,202: WPIDS 1972-64013T	
AB		Abstract DE20114878: Derwent 2002-418363/45	

Examiner Signature	<i>Andrew Benin</i>	Date Considered	1/07/06
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